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Testimony requesting an Unfavorable Report
SB745
March 15, 2022

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Dear Chairman Smith, Vice Chairman Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

All valid research clearly demonstrates the benefits of wearing a helmet. Motorcycle helmets save lives and prevent devastating and debilitating head injuries. Every reputable safety research organization in the world supports the use of helmets as a way to reduce injury, death, and economic costs resulting from head, face and brain injury. For decades, hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet laws are the only research proven strategy for reducing motorcyclist fatalities.

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement is necessary but because a small number of citizens belonging to ABA TE of Maryland are asking for that change.

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with claims supported only by anecdotal stories. The research is clear and overwhelming. Is it fair to make an exception to the established safety standards just because a few pushes for a change? Is allowing riders the “freedom” to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

You do not have to rely on testimony to get valid information regarding the effectiveness of helmets, the effectiveness of all-rider requirements, the economic costs related to unhelmeted riders involved in a crash and the cost of repeal or weakening of all-rider requirements. More the 100 research reports on these topics are readily available here:

<https://smarter-usa.org/research/helmets-laws/>

Given the overwhelming research evidence, a favorable vote can only mean

(1) you simply ignore the evidence or

(2) you believe the huge cost is worth providing a few bikers the freedom to choose to ride without a helmet.

Introduction

Thank you for your public service. I am submitting this written testimony as a representative of the Skilled Motorcyclist Association – Responsible Trained and Educated Riders, Inc. (SMARTER at www.smarter-usa.org). SMARTER is a 501c3 education association.

On behalf of SMARTER I am writing in opposition to SB745 and request this committee render an unfavorable report.

SMARTER believes motorcycle riders, motorcyclist safety advocates and policy decision makers should make responsible decisions based on factual knowledge and the conclusions of quality research. *Our mission is to gather, examine, catalogue, share, post and distribute motorcyclist safety fact-based information and research and to advocate for the use of such knowledge as the basis of decisions.*

Section I: Key Points

The issue of motorcycle helmet effectiveness and the effectiveness of all-rider requirements is the most extensively researched area in motorcyclist safety. For decades hundreds of researchers representing distinguished organizations have researched the topics of the effectiveness of helmets and all-rider helmet laws. A list of 275 references is available here:

http://smarter-usa.org/wp-content/uploads/2017/05/hundreds_of_researchers.pdf. Meticulous reviews of the literature have concluded that the research clearly demonstrates the lifesaving benefits of wearing a helmet, and that all-rider helmet requirements are the only research proven effective strategy for reducing motorcyclist fatalities. Those facts are not only clear but overwhelming and undeniable. More than 100 of the most recent and significant of these research reports are available here: <https://smarter-usa.org/research/helmets-laws/>

- * **It is important to have direct knowledge of the research/literature.**
- * **Helmets work for their intended purpose to protect the head and brain in the event of a crash.**
- * **All-rider helmet requirements work to significantly increase the percent of riders who wear a helmet.**
- * **There are significant economic and quality of life benefits of having an all-rider helmet requirement.**
- * **ABATE of MD represents their members, not all motorcyclists and not the general population.**
- * **Maryland should maintain their current standard and choose not to make an exception.**

The importance of having direct knowledge of the research

When witnesses disagree and provide what seems to be relevant but conflicting data, witness testimony may just serve to confuse and complicate the issue. When there is a large body of quality research which is easy to access, the confusion can be resolved by looking directly at the research evidence (<https://smarter-usa.org/research/helmets-laws/>). SMARTER encourages members to read the research themselves or assign a staff member or volunteer to read and report on the available literature. We

strongly encourage members to reframe from voting on SB745 unless they have either read the research themselves or received a report from an unbiased third party or staff member.

Helmets work for their intended purpose to protect the head and brain in the event of a crash

Helmet use has consistently been shown to reduce motorcycle crash-related injuries and deaths. Reviews of the literature find strong evidence of effectiveness and conclude that use of motorcycle helmets (1) decreases the overall death rate from motorcycle crashes when compared with non-helmeted riders (2) decreases the incidence of lethal head injury in motorcycle crashes when compared with non-helmeted riders and (3) decreases the severity of nonlethal head injury in motorcycle crashes when compared with non-helmeted riders.

If I am going to hit my head hard on some solid surface, would I rather be wearing a helmet designed to protect my head and brain or take the blow directly to my skull?

All-rider helmet requirements work to increase the number of riders who wear a helmet

The percent of riders wearing a helmet in states with an all-rider requirement is usually above 95%. Without an all-rider requirement, helmet use drops to 50% or lower. Helmet use reduces risk of death and injury and reduces medical costs. All-rider helmet requirements increase use; therefore, an all-rider helmet requirement is effective in reducing the risk of death and injury and serves to reduce medical costs.

Helmets work! All-rider helmet requirements work!

The economic and quality of life benefits of having an all-rider helmet requirement are significant

The economic benefits of an all-rider helmet requirement are the *direct saving of monetary costs* including: payments for hospitals and physician care, emergency medical transport, rehabilitation, prescriptions, allied health services, medical devices, nursing home care, insurance claims processing, coroner and premature burial costs for fatalities, future earnings (including wages, fringe benefits, and housework lost by the injured), public services (including initial police response and follow-up investigation, as well as emergency transport and fire services) and property damage and loss.

There is also the saving (avoidance) of *nonmonetary quality-of-life costs*. These are costs associated with pain, suffering, and other intangible losses resulting from death and injury.

ABATE only represents their members - not all motorcyclists

In Maryland, it is the members of A Brotherhood Against Totalitarian Enactments of Maryland that are advocating for this right to choose. Let's be clear; ABATE of MD does not represent all Maryland motorcyclists. They represent the views of their members. In 2021 there were 113,716 registered motorcycles in Maryland (*Motorcycles registered in the United States, 2002-2021, Eric Teoh, March 2021*). Currently ABATE of MD has 1,134 followers of their Facebook page - likely not all followers are members. If there is one owner for every registered motorcycle, ABATE followers constitute slightly less than 1% of registered owners.

Maryland should maintain current safety standards and not make an exception

The standard addressed here is the established balance between no governmental regulations and regulations adopted to protect citizens from potential harm. Maryland has many non-intrusive requirements designed to protect citizens from preventable death and injury. Maryland has one of the strongest (best) seat belt requirements in the country. Maryland asks drivers to buckle up. It is a little inconvenient to some but it saves lives, prevents injury, saves money and does not take away the freedom to drive. Maryland requires riders/drivers of personal water craft (PWC) to wear a life preserver. It is a little inconvenient to some but it saves lives, saves money and doesn't prevent anyone from enjoying their PWC. Maryland requires hunters to wear specified high-visibility gear when in the woods during hunting season. It is a little inconvenient to some but it saves lives and doesn't take away anyone's freedom to hunt. Maryland has an all-rider motorcycle helmet requirement. It is a little inconvenient to some, but it saves lives, saves money and doesn't prevent anyone from riding their motorcycle.

Section I Conclusion

This committee is charged with making a decision about your all-rider helmet requirement not because a large percent of Maryland registered voters think a change in the helmet requirement is necessary. Elected officials are being asked to consider this change only because a small number motorcycle riders who are members of ABATE of Maryland are asking for that change. **Given the overwhelming research evidence verifying the effectiveness of helmets and all-rider requirements a favorable vote can only mean one of two things:**

1. The evidence is ignored or

2. The person believes the small freedom to choose is worth huge cost

Section II: The errors and misconceptions of the core elements of the “favorable” written ABATE testimony in 2020/2021.

Introduction

In preparation for writing this document requesting an unfavorable report, our association reviewed the 2020 testimony on SB237 and the 2021 testimony regarding SB712. This section will address the following concerns regarding the ABATE of Maryland 2020 and 2021 testimony requesting a favorable report on the previous similar bills.

*** References for the source of data/statistics shared by ABATE members were NOT provided. We ask committee members to read the research themselves. You do not have to rely on the testimony at your hearings. You can check on the claims and determine for yourself if the data presented is “cherry picked.”**

*** The core content of the 2020 and 2021 document relating to fatality rates submitted by Dean Howes (Howes Document), Assistant Director of ABATE of Maryland, Inc, is flawed and misleading. Read why below.**

*** The 2020 and 2021 Howes Document acknowledges weakening the current requirement will lead to increased deaths but indicates that is OK because “It is far cheaper to treat a dead patient.”**

*** The claim that “repeal” will result in increased ridership and financial gain is based speculation only and is contrary to published research.**

References for the source of data/statistics were NOT provided. This is important considering the 2021 letter from Steven P. Strohmer claiming repeal of current Maryland helmet requirement would result in an influx of tourist dollars is his personal opinions based solely on anecdotal evidence with no research to support his claim. What he is telling you is contrary to the available research. The second document (*Position paper in favor of SB712, Prepared by Dean Howes with ABATE of Maryland,*), the core of which compares fatality ratios across states, provides no specific references - none.

SMARTER asks committee members to do your own investigation. Look at, review and read the available research on these topics.

The core content of the 2020 and 2021 ABATE Testimony is flawed and misleading

The presentation and discussion of fatality rates in the 2020 and 2021 ABATE testimony by Dean Howes is designed to lead the reader to the false conclusion that all-rider helmet requirements do not impact motorcyclist crash fatalities rates.

The document incorrectly states “The best way to measure the effectiveness of an all rider helmet law is to compare fatalities to motorcycles registrations ratios between states with all rider laws and ‘free states’...” Making this “raw number” comparison is actually a very poor way to judge the effectiveness of an all-rider helmet requirement because other variables that impact fatalities are not accounted for.

A far superior way to know if an all-rider helmet requirement impacts fatality rates is compare data from a single state before and after repeal or enactment of an all-rider law. This has been done many times and the results consistent show decreases fatality rates, decreases in the incidence of lethal head, and decreases the severity of nonlethal head injury (<https://smarter-usa.org/research/helmets-laws/>).

The 2020 and 2021 “Howes Documents” present a flawed analysis because the use of raw data fails to account for other major factors impacting crashes fatality rates. The number one factor impacting fatality rates is exposure, i.e., how many riders are on the road. The number one factor influencing exposure is weather. Considering this, it is not surprising the states with the highest fatality rates are southern and south-western states regardless of the type of helmet requirement the state has. Impairment, speed, type of roads, and traffic density are a few of the other main factors impacting fatality rates.

Again, there is quality research addressing this exact issue.

A research study titled “*Helmet Laws and Motorcycle Rider Death Rates*” which also compares fatality rates BUT accounts for other variables concludes “***After controlling for other factors that affect motorcycle rider fatalities (most notably population density and temperature), death rates in states with full helmet laws were shown to be lower on average than deaths rates in states without full helmet laws. This study is important in that it addresses the problem with the use of “raw data” to support the claim that rider death rates are significantly lower in states without full motorcycle helmet laws.***” https://smarter-usa.org/wp-content/uploads/2017/06/16_2001_Helmet_Laws_and_Mot.pdf

What? “It is far cheaper to treat a dead patient.”

The 2020 and 2021 Howes Documents in the section titled *some cold hard realities* contains the bizarre statement “It is far cheaper to treat a dead patient.” While it is difficult to interpret what ABATE might mean by this statement it seems to indicate that the organization does understand and accept that weakening the current helmet requirement will in fact result in more dead (patient) motorcyclists.

What is the truth about the “cold hard reality” of the financial gain claim?

Also addressed in the 2020 and 2021 ABATE testimony documents is the unsubstantiated claim that changing the helmet law will result in a financial windfall within the motorcycle industry because of increased motorcycle sales, taxes collected, insurance paid, parts, accessories, maintenance and repair and increased tourist dollars because out-of-state riders will flock to Maryland. Committee members are asked to make believe an increase of 30% in registrations will result from the law change, to suppose the average cost of a motorcycle is \$14,000 and to calculate an imaginary increase of \$31,231,200 in tax revenue.

Michigan weakened its all-rider law in April of 2012. The research indicates repeal of a helmet law has had no impact on the number of out-of-state riders. A key result of a November 2014, analysis by the University of Michigan Transportation Research Institute (https://smarter-usa.org/wp-content/uploads/2017/06/3_2014_Nov.-analysis-of-motorcycle-crashes-in-michigan-2009-2013.pdf) found “**Before and after the modification, the percentage of out-of-state riders who were involved in Michigan crashes has remained stable at 5%. This is one way of estimating whether there has been any change in out-of-state ridership after the modification.**”

Registrations in Michigan actually dropped slightly in the year following the law change but the overall average number of registered motorcycles in Michigan is nearly the same in the years after the law change compared to the years prior. (See Michigan Motorcyclist Crash Data and Charts, January 2022 here:

<https://smarter-usa.org/general-information/educational-materials/>). ABATE of Maryland is making claims NOT supported by research and quality data.

Section II Conclusion

Important decisions like the one the committee faces are best based on published research and verifiable data as opposed to unsupported claims.

Testimony Conclusion

There is no upside to changing the current requirement. Advocates for “adult choice” simply deny the research evidence or mislead with unsupported claims. The research is clear and overwhelming.

Citizens regularly understand and accept the need for small non-intrusive personal sacrifices (seat belts, life preservers, hunter orange) in order to prevent injury and death and reduce costs to the society as a whole.

Is it fair to make an exception to the established safety standards just because one organization wants the change? Is allowing riders the freedom to choose to not wear a helmet really worth the huge cost in human lives, family agony, disability and money?

Thank you for your time.

Respectfully



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